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SENSITIVE
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KMCA, FM
SUBJECT: ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT FOR THE FEDERATED
STATES OF MICRONESIA

REF: STATE 2094

Post submits the following information for the 2010 Trafficking
in Persons (TIP) Report. All answers are keyed to reftel.

125. THE COUNTRY'S TIP SITUATION:

25.A. What is (are) the source(s) of available information on
human trafficking? What plans are in place (if any) to
undertake further documentation of human trafficking? How
reliable are these sources?
Department of Justice officials and local law enforcement
provide the best sources of available information. These
officials, in turn, maintain good communications with the FBI
and NCIS offices in Guam, the Australian Federal Police, and the
New Zealand Police. Local officials have no plans in place to
undertake further documentation of human trafficking. Post
finds local sources to be very reliable, if not wholly
effective, and post maintains a good working relationship with
local officials.

25.B. Is the country a country of origin, transit, and/or
destination for men, women, or children subjected to conditions
of commercial sexual exploitation, forced or bonded labor, or
other slave-like conditions?
No. The FSM is neither a country of origin, transit nor
destination for trafficking victims. No Micronesians were
identified as trafficking victims in the past year, nor were any
trafficked persons discovered within the FSM's borders. In last
year's TIP report, post relayed rumors that Chinese prostitutes
were servicing fishermen in the FSM. Local law enforcement
officials now discount these rumors and no longer believe that
Chinese prostitutes are operating within the country's borders.
Micronesians have the right to travel to, live, and work in the
United States without visas, thereby eliminating the economic
reason to become a victim of trafficking. Micronesians don't
need a "broker" to set them up with jobs in the United States
that may or may not exist, they can just board a plane and go.
Nor is the FSM a destination country for traffickers. Its
remote location and small economy, coupled with stringent
foreign investment rules, ensure a very small market for
imported foreign labor.

Are citizens or residents of the country subjected to such
trafficking conditions within the country?
No.

If so, does this internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? From where are people recruited or from where do they migrate prior to being subjected to these exploitative conditions? To what other countries are people trafficked and for what purposes? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

N/A.

25.C. To what kind of conditions are the trafficking victims subjected?

N/A

25.D. Vulnerability to TIP: Are certain groups of persons more at risk of human trafficking (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)? If so, please specify the type of exploitation for which these groups are most at risk.

In 2008, in the only known case of trafficking in the FSM's history, traffickers offered waitress jobs in Guam to ten young women from the island of Chuuk, only to put them to work in brothels. Extrapolating from that single incident it may be that young women are at higher risk. No additional at-risk groups were identified in the reporting period.

25.E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to gain direct access to victims? For example, are the traffickers recruiting victims through lucrative job offers? Are victims sold by their families, or approached by friends of friends?

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Are victims "self-presenting" (approaching the exploiter without the involvement of a recruiter or transporter)? If recruitment or transportation is involved, what methods are used to recruit or transport victims (e.g., are false documents being used)? Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

Neither post nor local law enforcement officials know of any traffickers currently operating within the FSM, nor have any recruitment efforts become apparent within the past year.

26. SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

26.A. Does the government acknowledge that human trafficking is a problem in the country? If not, why not?

The government acknowledges the possibility that trafficking could become a problem in the future. The complete lack of trafficking victims leads the government to conclude it is not currently a major problem.

26.B. Which government agencies are involved in efforts to combat sex and labor trafficking - including forced labor - and, which agency, if any, has the lead in these efforts?

The FSM National Police would take the lead in any trafficking case. Other agencies that might pursue trafficking cases include the Transnational Crime Unit (TCU), FSM Customs, FSM Immigration and the police forces of the four individual states (Yap, Chuuk, Pohnpei and Kosrae).

26.C. What are the limitations on the government's ability to address these problems in practice? For example, is funding for police or other institutions inadequate?

Given the low level of trafficking activity, funding appears adequate for the FSM's law enforcement efforts. Eighty-six national police officers serve a country of 108,000 residents. Local state police forces augment the country's law enforcement capacity.

Is overall corruption a problem?

Corruption remains a problem in the FSM, but it has no impact on

the country's trafficking situation.

Does the government lack the resources to aid victims?

No trafficking victims have been identified within the FSM, but potential funding problems may lie with other anti-trafficking activities, e.g. training, public outreach, etc.

26.D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

Law enforcement officials periodically discuss the issue on an informal basis. The government lacks any formal mechanism to monitor trafficking activity.

26.E. What measures has the government taken to establish the identity of local populations, including birth registration, citizenship, and nationality?

Each Micronesian state maintains its own registrar's office containing birth, death, and marriage records. Citizenship accrues at birth if at least one parent is an FSM citizen. Micronesian nationality is confirmed upon presentation of the appropriate documentation before immigration and other government personnel.

26.F. To what extent is the government capable of gathering the data required for an in-depth assessment of law enforcement efforts? Where are the gaps? Are there any ways to work around these gaps?

The government is probably capable of in-depth assessments of its law enforcement efforts, but claims it lacks the funding to do so. An expanded TCU could work around those gaps. However, there are no plans to expand that unit at this time.

127. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

27.A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both

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sexual exploitation and labor?

No.

If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal Statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking?

N/A

If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

The national criminal code is very limited and it rarely pursued criminal complaints. Criminal law enforcement is mostly left to the four states, and each state has laws that could be used in a trafficking case. For example, there are laws against false imprisonment, criminal coercion, kidnapping, and even the making of "threats." To date, no trafficking case has been uncovered within the FSM, so these laws have yet to be applied in a trafficking situation.

27.B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for the trafficking of persons for commercial sexual exploitation, including for the forced prostitution of adults and the prostitution of children? Neither the national government nor the four states have laws that specifically outlaw commercial sexual exploitation.

27.C. Punishment of Labor Trafficking Offenses: What are the

prescribed and imposed penalties for labor trafficking offenses, including all forms of forced labor?
Neither the national government nor the four states have laws that specifically outlaw labor trafficking.

If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to compelled service in the destination country?

The FSM is not a source country for labor migrants. In fact, Micronesians can live and work in the United States without visas.

If your country is a destination for labor migrants (legal/regular or illegal/irregular), are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of labor trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of compelled service, or withhold payment of salaries as means of keeping the worker in a state of compelled service?

The FSM is not a destination country for labor migrants. The country's small economy provides few jobs. In fact, the FSM experiences an annual net loss of labor and population as its young people freely emigrate to the U.S.

27.D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

Neither the national government's truncated criminal code nor the criminal codes of the states specifically proscribe "rape." However, all four states outlaw sexual assault and use a definition that includes rape as it is commonly understood. Chuuk State imposes a fine of up to 9 years imprisonment and/or a \$10,000 fine for sexual assault using a deadly weapon, five years and/or \$5,000 if the perpetrator is unarmed.

Pohnpei State allows for a 10 year sentence and/or a \$10,000 fine if the victim suffers "serious bodily or psychological injury" and/or the perpetrator had accomplices and/or a deadly weapon was used. If those factors are not present the penalty

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is five years imprisonment and/or a \$5,000 fine.

In Kosrae State, a defendant may receive a 10 year sentence and/or a \$20,000 fine upon conviction if the sexual assault resulted in "serious bodily or psychological injury," five years and/or a \$5,000 fine if no such injury occurs.

Yap State requires "serious bodily or psychological injury" or the use of a "dangerous weapon" to impose its most severe penalty for sexual assault: ten years and/or a \$10,000 fine. When neither factor is present Yap imposes a five year prison sentence and/or a \$5,000 fine.

27.E. Law Enforcement Statistics: Did the government take legal action against human trafficking offenders during the reporting period?

No, the government uncovered no trafficking cases or undertook any prosecutions during the reporting period.

If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted trafficking offenders who received suspended sentences and the number who received only a fine as punishment.

Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults).

N/A

What were the actual punishments imposed on convicted trafficking offenders? Are they serving the time sentenced? If not, why not?

U.S. Federal Attorneys in Guam brought charges against four individuals in the 2008 trafficking (see 25.D. above). In 2009, two defendants pled guilty and will testify at the trial of their two accomplices sometime in 2010.

27.F. Does the government provide any specialized training for law enforcement and immigration officials on identifying and treating victims of trafficking? Or training on investigating and prosecuting human trafficking crimes? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

Yes. This year's Police Academy featured training on recognizing trafficking victims, as well as the difference between human trafficking and smuggling. The Academy also discussed trafficking interdiction techniques. The Joint Inter-Agency Task Force - West (JIATF-West), sponsored by the U.S. Naval Pacific Command, provided anti-TIP training to the Transnational Crime Unit (TCU) as part of its overall support of the TCU's activities.

27.G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period. Law enforcement officials expressed their willingness to cooperate should the need arise. However, the government neither received nor initiated any requests for cooperation regarding human trafficking during the reporting period.

27.H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States. The FSM government can legally extradite anyone to stand trial for any criminal offense, including trafficking, as long as there is an extradition treaty in place. [NOTE: The US and the FSM have a bilateral extradition treaty. End note.] However, the government received no requests to arrest and/or extradite any suspected traffickers during the reporting period.

27.I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.
No.

27.J. If government officials are involved in human trafficking,

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what steps has the government taken to end such complicity?
N/A

Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related criminal activities during the reporting period.
None.

Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.
N/A

27.K. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or

facilitated severe forms of trafficking or who exploited victims of such trafficking.

N/A. FSM citizens may serve in the U.S. military at will, but the country itself has no military and thus, does not contribute troops to peacekeeping efforts.

27.L. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists?

The FSM has no problem with child sex tourism.

How many foreign pedophiles did the government deport/extradite to their country of origin?

None.

If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

N/A. No Micronesian citizen is known to have been prosecuted for child sex tourism anywhere in the world.

28. PROTECTION AND ASSISTANCE TO VICTIMS:

28.A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

While the FSM lacks specific laws protecting trafficking victims or witnesses, there are general material witness laws that give the government the right to detain and protect witnesses. How well these laws would work in a trafficking situation is unknown, however, as no trafficking cases have been prosecuted in the FSM.

28.B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims?

No.

Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities?

N/A

Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

None.

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28.C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided.

While no trafficking victims have been identified, the government offers legal services, i.e. a government supplied lawyer, to the victims of any crime. It does not offer medical or psychological services.

Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

No.

28.D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain. While no foreign trafficking victims have been uncovered, FSM law gives a judge the right to issue an order allowing the victim of any crime to stay.

28.E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?
No.

28.F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?
No.

28.G. What is the total number of trafficking victims identified during the reporting period? (If available, please specify the type of exploitation of these victims - e.g. "The government identified X number of trafficking victims during the reporting period, Y of which were victims of trafficking for sexual exploitation and Z of which were victims of nonconsensual labor exploitation.)
Zero.

Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?
N/A

28.H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)?
Government officials admit they have nothing formal in place, but assert that law enforcement officials would ask any foreign prostitutes whether they had been trafficked. (No foreigners have ever been arrested for prostitution in the FSM.)

For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?
N/A

28.I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined?
N/A, no trafficking victims have ever been identified in the FSM, and there are no legal provisions in place to fine or incarcerate victims.

28.J. Does the government encourage victims to assist in the investigation and prosecution of trafficking?
Unknown, no trafficking victims have ever been identified in the FSM.

How many victims assisted in the investigation and prosecution of traffickers during the reporting period?

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N/A

May victims file civil suits or seek legal action against traffickers?
While no specific civil remedy for trafficking victims exists in the state and national legal codes, each state's code does provide general redress for personal injury caused by another.

Does anyone impede victim access to such legal redress?
No.

If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings?
N/A, no trafficking victims have ever been identified in the FSM.

Are there means by which a victim may obtain restitution?
A victim may bring an act of personal injury in a civil court.

28.K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children?
The Police Academy teaches its recruits techniques to identify and assist trafficking victims, and the TCU received U.S. sponsored TIP training in the past year.

Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries?
No.

What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).
None.

28.L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?
No.

28.M. Which international organizations or NGOs, if any, work with trafficking victims?
None.

What type of services do they provide? What sort of cooperation do they receive from local authorities?
N/A

129. PREVENTION:

29.A. Did the government conduct anti-trafficking information or education campaigns during the reporting period?
No.

If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)
N/A

29.B. Does the government monitor immigration and emigration patterns for evidence of trafficking?
Immigration authorities claim to look for evidence of trafficking, and upper management at the Division of Immigration and Labor attended seminars that discussed trafficking, but no formal mechanisms are in place.

29.C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?
No formal mechanisms exist, but there is excellent rapport

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between the National Police and other agencies. Should they uncover a trafficking case they could easily solicit information from other government sources, i.e. Immigration and Customs. The Transnational Crime Unit (TCU), with its access to FBI

databases and its contacts with other international law enforcement agencies, could obtain and/or relay information among international sources.

29.D. Does the government have a national plan of action to address trafficking in persons?
No.

If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?
N/A

29.E. Required of all Posts: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (please see ref B, para. 9(3) for examples)
None.

29.F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?
None.

29.G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Guatemala, India, Indonesia, Ireland, Italy, Jordan, Kenya, Korea (ROK), Malawi, Malaysia, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Yemen, Zambia, and Zimbabwe): What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking? If posts do not provide an answer to this question, the Department may consider including a statement in the country assessment to the effect that "An assessment regarding Country X's efforts to ensure that its troops deployed abroad for international peacekeeping missions do not engage in or facilitate trafficking or exploit trafficking victims was unavailable for this reporting period."
N/A

30. PARTNERSHIPS

30.A. Does the government engage with other governments, civil society, and/or multilateral organizations to focus attention and devote resources to addressing human trafficking? If so, please provide details.
No.

30.B. What sort of international assistance does the government provide to other countries to address TIP?
None.

33. Required for posts in countries that have been the subject of allegations regarding unlawful child soldiering (by government forces, government-supported militias armed groups, or independent militias armed groups) in the TIP Report, the Human Rights Report, or both : Report if the following occurred: conscription or forced recruitment of persons under the age of 18 into governmental armed forces; voluntary recruitment of any person under 15 years of age into governmental armed forces; the extent to which any person under the age of 18 took a direct part in hostilities as a member of governmental armed forces; recruitment (forced or voluntary) of persons under the age of 18 by armed groups distinct from those of the governmental armed forces, including paramilitary forces, illegal paramilitary groups, guerrillas, or other armed groups. Describe trends

toward improvement of the above-mentioned practices, including steps and programs the government undertook or the continued or increased tolerance of such practices, including the role of the government in engaging in or tolerating such practices. Report abuse of children recruited by armed forces or the armed groups noted above (e.g., sexual abuse or use for forced labor). Describe the manner and age of conscription. In discussing activities of armed groups distinct from those of governmental armed forces, explain the position of the government towards the armed group (opposition, tolerance, support, etc.) in detail.
N/A

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PRAHARP